



State of Utah

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Department of  
Environmental Quality

L. Scott Baird  
Executive Director

DIVISION OF ENVIRONMENTAL  
RESPONSE AND REMEDIATION

Brent H. Everett  
Director

ERRA-08-20

**MEMORANDUM**

**Subject:** Utah Division of Environmental Response and Remediation (DERR) Regulatory Guidance During COVID-19 Pandemic

**Signed:** Brent H. Everett, Director 

**Date:** March 31, 2020

**I. Guidance Applicable to All Utah Department of Environmental Quality Divisions:**

Under the authority of the Executive Director of the Utah Department of Environmental Quality (UDEQ) and each individual UDEQ director, the following guidance is issued in coordination with EPA's Memo dated March 26, 2020, on the subject of COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. This guidance balances the UDEQ's obligation to safeguard Utah's land, air and water resources and enforce environmental laws with the disruption caused by the spread of COVID-19. In this national emergency, UDEQ wants to clearly communicate its priorities to regulated sources and the public and support the efforts to contain the virus. All elements of EPA's March 26, 2020 guidance memo as applicable to Utah's environmental regulatory programs will be implemented in response to a demonstrated need for administrative regulatory relief connected to mitigation efforts in place to curb the spread of COVID-19.

UDEQ and its divisions recognize that the pandemic may impact some facilities' ability to comply with environmental laws, permits, and other requirements. Staff shortages, service provider interruptions, and other restrictions may change regular operations. We want to remind all regulated facilities that all applicable requirements are effective during this time and none are suspended. This guidance document is not an authorization to violate any applicable environmental laws and does not constitute a variance from compliance obligations. However, UDEQ agencies will exercise enforcement discretion when it comes to potential violations during the COVID-19 pandemic where a good faith effort to comply is demonstrated and documented.

In addition, this guidance does not exempt entities regulated by UDEQ divisions from city and county orders requiring the closing of non-essential businesses.

UDEQ and its divisions are limiting person-to-person contact. The UDEQ offices are open during regular business hours. However, many UDEQ employees are working from home during this critical time. Public meetings, hearings and public outreach activities are currently suspended or being implemented via remote technology. To conduct business, please contact individual UDEQ agencies:

- Waste Management and Radiation Control: (801) 536-0200
- Air Quality: (801) 536-4000
- Water Quality: (801) 536-4300.
- Drinking Water: (801) 536-4200
- Division of Environmental Response and Remediation: (801) 536-4100

## **II. Guidance Applicable to the Division of Environmental Response and Remediation:**

DERR is limiting person-to-person contact. Our office is open during regular business hours, however, many of our employees are working from home during this critical time. Please contact DERR by telephone at (801) 536-4100 or by email to conduct business.

### **UNDERGROUND STORAGE TANKS**

#### **General Requirements:**

**Documentation:** Sources must document any disruptions or instances of non-compliance caused by the pandemic. Also, please document and support the reasons why non-compliance happened due to COVID-19. This will help DERR determine where enforcement discretion should be exercised.

**Electronic Submission:** Required reports, applications and general correspondence will be accepted by email or electronic submissions for programs detailed below.

**Signatures:** Digital signatures will be accepted on required submissions as long as the submission can be tied to the individual signing the document through an email or cover letter or through a digital signature authentication service.

**Priorities:** We request all regulated facilities to do everything possible to continue safe and environmentally responsible operations by:

- Fully operating all leak detection, spill prevention, and corrosion prevention equipment.
- Maintaining the required records of monitoring, testing, and operator inspections.
- Continuing to implement best management practices.
- Moving forward with release investigation and cleanup.

**Inspections:** DERR inspectors will practice social distancing as much as practicable while conducting inspections/field work. If feasible, employees will complete inspection work remotely using available technology tools. As part of a process implemented by DEQ, DERR inspectors will be required to complete an internal COVID-19 pre-screening questionnaire prior to conducting any field work. DERR inspectors will continue to schedule inspections as usual, and, if requested, may reschedule dependent upon current COVID-19 guidance and upon priority of the need to conduct an inspection.

**UST Facilities:** DERR expects all facilities that are operating normally to complete all periodic monitoring, testing and reporting requirements as required under UAC R311. Deadlines to conduct periodic monitoring, testing or reporting or to submit other reports required by UAC R311 may be extended to 30 days after the Governor declares an end to the COVID-19 pandemic. This stay applies only insofar as a facility does not have appropriate personnel or contractors available to conduct testing, monitoring, and/or to submit the reports on time. Documentation must be maintained and made available to DERR upon request demonstrating reasons why the facility was not able to comply with the applicable requirements. Please contact the Underground Storage Tank Branch at (801) 536-4100 with any questions

**Installation Permits/ Closure Plans/ Certificates of Compliance:**

DERR continues to conduct business as usual through teleworking. Review and issuance of permits and approval of closure plans will be expeditious. In an effort to reduce the spread of COVID-19 and to limit person-to-person contact, the Division is requesting the regulated community to submit installation permits and closure plans electronically via email to the inspector covering the area where the facility is located. For tank installations and removal inspections, please continue to provide adequate notice so that DERR personnel may be present on-site. In general, prior to the COVID-19 pandemic, documentation for issuance of a Certificate of Compliance has been submitted electronically, and email continues to be the preferred method to receive this documentation during this time.

Certification and PST Fund fees should be paid online using the information provided on the invoice or by mailed-in check. DERR also encourages permit applicants to pay the permit fees via mailed-in check or through the DEQ online payment portal at:

<https://deq.utah.gov/certification/derr-payment-portal-shopping-cart>

**UST Certification and Operator Training:**

Due to the challenges in providing secure remote testing for UST Certification and A/B Operator Training, the DER will address these issues as follows:

**A/B Training:** For facilities that need to register a new class A/B operator during the COVID-19 restrictions, as long as an approved training course has been completed, the applicant may perform the duties of the A/B operator until in-person testing is available to complete their registration. Class A/B operators that need to renew an existing registration can renew by mail or online. A list of available training, including online training, can be found at:

<https://deq.utah.gov/environmental-response-and-remediation/owner-operator-testing-approved-training-courses-ust>

UST Certifications: Leaking Underground Storage Tank Consultants courses are currently postponed, as are the regularly scheduled bi-monthly UST certification testing events. Certification renewal deadlines will be extended at the Director's discretion until alternative testing options become available or the date the next refresher course is held. Applications for new certifications will be handled on a case by case basis. If your certification has expired or you are seeking a new certification, please contact the DERR at (801) 536-4100 to request an extension and discuss renewal or initial certification options.

### **LUST Investigations and Cleanup Activities:**

DERR continues to conduct business as usual through teleworking. Review and approval of PST Fund Work Plans, PST Payment Request Vouchers, Corrective Action Plans and other submittals will be handled as expeditiously as possible. In an effort to reduce the spread of COVID-19 and to limit person-to-person contact, the Division is requesting the regulated community to submit documents electronically via email to the assigned Project Manager or Section manager.

Deadlines to conduct periodic monitoring, testing, or reporting or to submit other reports required by permits, regulations or other authorizations may be extended to 30 days after the Governor declares an end to the COVID-19 pandemic. This stay applies only insofar as a facility does not have appropriate personnel or contractors available to conduct monitoring and/or submit the reports on time and is not applicable to abatement and remediation of releases in emergency situations. Documentation must be maintained and made available to the DERR upon request demonstrating reasons why the facility was not able to comply with the applicable requirements. Please contact the applicable Leaking Underground Storage Tank Section at (801) 536-4100 with any questions.

### **METHAMPHETAMINE DECONTAMINATION SPECIALIST CERTIFICATION**

This section is separate from and unrelated to EPA's March 26, 2020, COVID-19 memo, but is added for clarification to the regulated community. Due to the challenges in providing secure remote testing for Decontamination Specialists for certification, the DERR will address this as follows:

Decontamination Specialist Certification testing normally takes place at the DERR office. Certification renewal deadlines will be extended at the Director's discretion until alternative testing options become available. If your certification has expired, please contact the DERR at (801) 536-4100 to request an extension and discuss renewal options. For new certifications, please contact the DERR to discuss and schedule the next opportunity for the certification test.